

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JULY 13, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power and Anthony W. Cobos. Late Arrival: Paul J. Escobar arrived at 9:12 a.m. and Vivian Rojas arrived at 9:10 a.m. Absent: None. Meeting was called to order at 9:05 a.m. and the invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to delete the discussion and action on higher water bill rates. [Anastacio Garcia]

Representatives Escobar and Rojas were not present for the vote.

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No action was taken on the following item: Possible case of discrimination against my book and myself from the City Public Library. [Manuel Lozano]

Mr. Manuel Lozano, citizen, gave background information regarding his literary credentials and asked why his book was not accepted into the library's collection.

Representative Cook asked Mr. Lozano whether he was aware of the library's appeal process and suggested the gentleman avail himself of such process.

Ms. Carol Brey-Casiano, Director of Libraries, explained why the book was not accepted into the library's collection, explained the appeal process and stated she would assist Mr. Lozano with regard to the appeal process.

Representative Austin asked Ms. Brey-Casiano if there were a process to purchase books and a process to accept donated books.

Ms. Brey-Casiano stated there was no difference in the criteria to purchase and/or accept donated books.

Representative Rojas asked Ms. Brey-Casiano what steps would be required of Mr. Lozano regarding the appeal process.

Ms. Brey-Casiano responded that she would personally meet with Mr. Lozano regarding the appeal process procedures and that the library staff would expedite his appeal request.

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Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to recess the City Council Meeting to discuss the Mass Transit Board Meeting at 9:20 a.m.

Representative Power was not present for the vote.

Motion made by Representative Escobar, seconded by Representative Power and unanimously carried to reconvene the City Council Meeting from the Mass Transit Board Meeting at 9:32 a.m.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the Minutes for the Regular City Council Meetings of June 2, June 8, and Special City Council Meeting of July 1, 2004.

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone one (1) week the approval of the Minutes for the Regular City Council Meeting of July 7, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso acting through its Department of Aviation be authorized to accept a mural celebrating the 90th anniversary of the University of Texas and El Paso ("UTEP") in exchange for the mural donated by UTEP to the City on July 20, 2000, and that the Director of Aviation be authorized to accept future exchanges of the mural provided that the murals are of the same or better quality, size and value and are compatible with other art and décor in the terminal building.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the City's Arts and Culture Department be authorized to sign the Facility Use Request and Authorization Form with the El Paso Independent School District ratifying previous use and approving future use of the Bowie High School parking areas by the public during the Music Under the Stars World Festival performances at the Chamizal National Memorial. The performances include Sunday evenings in June, July, and August 2004 (except for the July 4th performance) from 5:00 p.m. until 11:00 p.m. Cost for such use is estimated to be \$1,620.00.

Mr. John Nance, Assistant City Attorney, requested the resolution language be revised and read the revisions into the record.

NOTE: Resolution was revised.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following grant application on behalf of the Arts and Culture Department for submission to the Heartland Arts Fund ("HAF") and to sign the related contract and documents should funds be granted, either in the requested amount or at such lesser amounts as may be approved by the HAF. This grant will be used for the artistic fees for FY 2005 to present the Chuchumbe at the Music Under The Stars World Festival, July 17th 2005. The grant request is as follows.

1. To request and receive \$5,000 for artistic fee support to present Chuchumbe on July 17, 2005, for the Music Under The Stars World Festival, FY 2005. New City match is not required for the amount of the grant actually awarded.

***RESOLUTION**

**A RESOLUTION DESIGNATING THE SPECIFIC PROJECTS
OF THE CITY OF EL PASO WHICH ARE TO RECEIVE FUNDS
FROM THE BONDS APPROVED IN
PROPOSITION 6 "MUNICIPAL ACCESSIBILITY IMPROVEMENTS",
IN THE FEBRUARY 7, 2004 BOND ELECTIONS.**

WHEREAS, on February 7, 2004, the voters of the City of El Paso, Texas (the "City") approved Proposition 6, which was captioned "MUNICIPAL ACCESSIBILITY IMPROVEMENTS (1 Project)" in a citizens bond election; and,

WHEREAS, Proposition 6 authorized the City to issue general obligation bonds in the amount of \$200,000 for the purpose of designing, renovating, improving and equipping existing city facilities, including improvements to existing city facilities and buildings as necessary to improve accessibility thereto and comply with the Americans with Disabilities Act; and,

WHEREAS, the City has investigated which of its facilities and buildings it desires to design, renovate, improve and equip under the provisions of, and pursuant to, Proposition 6, and to designate the specific projects which are to receive the Proposition 6 bond funds; and,

WHEREAS, the projects listed below were endorsed by the Accessibility Advisory Committee on June 24, 2004; and,

WHEREAS, the City desires to hereby approve and designate which specific projects are to receive the Proposition 6 bond funds; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

Section 1. The City Council hereby approves the following locations and designates the following projects, all of which are Infrastructure improvements on public rights-of-way and City facilities as required per federal mandate (in addition to other public improvement projects) authorized in the 2004 bond election:

Irwin J. Lambka Park, 660 Cloudview Dr.

District 1

Palo Verde Park, 6260 Dew Dr.

Snow Heights Park, 311 Fountain Rd.

Design and construction of structural remodeling for site ADA accessibility improvements for these park sites but not limited to the following; Accessible route to park amenities, parking spaces, signage, ramps.

\$15,000

Wellington Chew Senior Citizen Center, 4430 Maxwell	District 2
Design and construction of structural remodeling for site and building ADA accessibility improvements for this senior center but not limited to the following; Doors & hardware, water fountain, signage and restrooms.	
	\$27,500
Cielo Vista Library & Volar Center, 8929 Viscount	District 3
Design and construction of structural remodeling for site and building ADA accessibility improvements for this facility but not limited to the following; egress doors & hardware, exterior ramp, handrails and interior remodeling of stairs.	
	\$10,250
Todd Ware Park, 4600 Stahala Dr.	District 4
Sue Young Park, 9730 Diana Dr.	
Design and construction of structural remodeling for site and building ADA accessibility improvements for these parks but not limited to the following; Accessible route to park amenities, parking spaces, signage, ramps.	
	\$10,000
Irving Schwartz Branch Library, 1865 Dean Martin	District 5
Design and construction of structural remodeling for site and building ADA accessibility improvements for this branch library but not limited to the following; Accessible route to entrance, doors & hardware, water fountain, signage, parking spaces, ramps, plumbing fixtures and restrooms.	
	\$27,500
Capistrano Park, 8700 Padilla	District 6
Design and construction of structural remodeling for park site and building ADA accessibility improvements but not limited to the following; Accessible route to park amenities, water fountain, signage, counter/ serving, ramps and restrooms.	
	\$20,000
Carolina Dr. Pedestrian Route Accessibility Improvements	District 7
From Yarbrough Dr. to Lilac Way	
Design and construction of site ADA structures to improve accessible route along Carolina Drive south sidewalk to shopping center and new Lower Valley Library, to include ramps and handrails.	
	\$12,250
South El Paso Senior Citizen Center, 600 S. Ochoa	District 8
Design and construction of structural remodeling for site and building ADA accessibility improvements but not limited to the following: Accessible route, water fountain, parking spaces, signage, ramps and restrooms.	
	\$27,500
Total Construction Costs for Projects	\$150,000
Design & Contingency	\$ 50,000
Total Proposition Budget	\$200,000

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That The City Attorney And/Or Her Designee(s) Are Authorized To Negotiate With El Paso Electric Company Regarding Amendments To And/Or Extensions Of The Franchise Agreement Between El Paso Electric Company And The City Of El Paso, Ordinance No. 012539 And To Report Back To The City Council At The July 27, 2004 Regular Council Meeting.

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to approve the above resolution.

NOTE: Item was discussed together with the discussion and action regarding the City's Options Pursuant to the Franchise with El Paso Electric Company.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the section of the Citizen Participation Plan for the Consolidated Plan that relates to the composition and function of the Community Development Steering Committee be revised, as reflected in Attachment A, to incorporate the June 15, 2004 recommendations from the "Mayor's Blue Ribbon Ad Hoc Committee for the Community Development Block Grant Funding Process", and additional revisions recommended by the staff of the Department of Community and Human Development to reflect updated terminology and current practices.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That City Council adopt revised guidelines, as reflected in Attachment A, for the housing rehabilitation loan program that is part of the City's Section 108 Redevelopment Loan Program. (Attachment A on file in the City Clerk's office)

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TWELVE THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$12,250.00, Loan-\$11,500.00 and Note-\$750.00), against the following described real property:

Lot 1, Block 37, HACIENDA HEIGHTS UNIT FIVE, an Addition in the City of El Paso, El Paso County, Texas; according to the map thereof on file in Book 6, Page 41, Plat Records of El Paso County, Texas; known and numbered as 7700 Corozal

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Two Hundred Thirteen and 72/100 Dollars (\$213.72).

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FIFTEEN THOUSAND TWO HUNDRED TWENTY FIVE AND NO/100 DOLLARS (\$15,225.00, Loan-\$14,000.00 and Note-\$1,225.00), against the following described real property:

The South 100' of Lot 3 and the South 100' of East ½ of Lot 2, Block 112, EAST EL PASO ADDITION, to the City of El Paso, El Paso County, Texas; known and numbered as 3503 La Luz

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

Mr. Jorge Artalejo, citizen, asked why the amount of the lien was so high.

Representative Cook explained.

Motion made by Representative Cook, seconded by Representative Austin and unanimously carried to approve the above resolution.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RODRIGO MERCADO**, to assist the El Paso Water Utilities as a Regional Services Coordinator at a biweekly rate of \$2,307.69 for 40 hours per week. The term of the contract shall be for the period of July 14, 2004 through July 13, 2005.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Interlocal Agreement, between the CITY OF EL PASO, TEXAS TECH UNIVERSITY HEALTH SCIENCES at El Paso, and the EL PASO COUNTY HOSPITAL DISTRICT d/b/a R. E. THOMASON GENERAL HOSPITAL, whereby Texas Tech agrees to provide medical control and guidance to the City's EMS System, as well as other medical services, at a cost in FY-2005 to the City not to exceed \$728,026.00, and whereby Thomason Hospital agrees to act as the base station for the City's FMS System at no cost to the City. Said contract to have an effective date of September 1, 2004 and a termination date of August 31, 2007, with the option, upon mutual agreement by the parties, to extend the contract.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Marcos Casiano covering an exhibit of photos entitled "On the Road Again" at the Main Library of the El Paso Public Library System for the period of July 13 through August 13, 2004. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a Grant Application to the Texas Forest Service on behalf of the City of El Paso in the amount of \$10,000.00 for the "Every Tree Has A Story" urban forestry promotion program; and

That the Office of the Mayor be authorized to furnish additional information that may be required by the Texas Forest Service in connection with the Grant Application for this Project; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreement and related documents, and any amendments to the initial Grant Agreement which increases or decreases funds, provided that no additional City funds are required, upon approval by the Texas Forest Service.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RICHARD A. GENEST**, to assist the Metropolitan Planning Organization, at an hourly rate of \$16.37, for 20 hours per week, not to exceed 40 hours per week. The term of the contract shall be for the period of July 14, 2004 through July 13, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the March 23, 2004, Interlocal Agreement between the City of El Paso and the El Paso Downtown Management District to provide for the restoration of the Town Clock in the San Jacinto Plaza utilizing funds provided by the District.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a Grant Application to the Texas Forest Service on behalf of the City of El Paso in the amount of \$10,000.00 for the Memorial Tree Program; and

That the Parks and Recreation Department be authorized to furnish additional information that may be required by the Texas Forest Service in connection with the Grant Application for this Project; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreement and related documents, and any amendments to the initial Grant Agreement which increases or decreases funds, provided that no additional City funds are required, upon approval by the Texas Forest Service.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. **CONTRACTOR:** Joseph Candelaria, Pool Attendant, Step 2
 DATES: July 14, 2004 through September 30, 2004
 RATE PER HR: \$5.60
 CONTRACT NO: **2003/2004-295**

 2. **CONTRACTOR:** Adrian Diaz, Pool Attendant, Step 1
 DATES: July 14, 2004 through September 30, 2004
 RATE PER HR: \$5.40
 CONTRACT NO: **2003/2004-296**

 3. **CONTRACTOR:** Miguel A. Lopez, Swim Instructor, Step1
 DATES: July 14, 2004 through September 30, 2004
 RATE PER HR: \$5.35
 CONTRACT NO: **2003/2004-297**

 4. **CONTRACTOR:** Marcela C. Macias, Swim Instructor Coordinator, Step 2
 DATES: July 14, 2004 through September 30, 2004
 RATE PER HR: \$6.85
 CONTRACT NO: **2003/2004-298**

 5. **CONTRACTOR:** Rosanne E. Martinez, Lifeguard, Step 2
 DATES: July 14, 2004 through September 30, 2004
 RATE PER HR: \$6.00
 CONTRACT NO: **2003/2004-299**

 6. **CONTRACTOR:** John A. Parris, Lifeguard, Step 2
 DATES: July 14, 2004 through September 30, 2004
 RATE PER HR: \$6.00
 CONTRACT NO: **2003/2004-300**

 7. **CONTRACTOR:** Kevin M. Tryon, Senior Lifeguard, Step 2
 DATES: July 14, 2004 through September 30, 2004
 RATE PER HR: \$6.80
 CONTRACT NO: **2003/2004-301**

 8. **CONTRACTOR:** Selene Valdez, Swim Instructor, Step 1
 DATES: July 14, 2004 through September 30, 2004
 RATE PER HR: \$5.35
 CONTRACT NO: **2003/2004-302**
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

ARMIJO RECREATION CENTER
DEPARTMENT ID: 51510065, ACCOUNT 502215

- 1. CONTRACTOR: Ricardo Gonzalez, T-Ball Coordinator
DATES: July 15, 2004 through August 31, 2004
RATE PER CL: \$6.00
MAXIMUM AMT: \$270.00
CONTRACT: **2003/2004-165**

GALATZAN RECREATION CENTER
DEPARTMENT ID: 51510131, ACCOUNT 502214

- 2. CONTRACTOR: Vanessa Campos, Ballet Instructor
DATES: July 19, 2004 through August 31, 2004
RATE PER CL: \$11.35
MAXIMUM AMT: \$862.60
CONTRACT: **2003/2004-166**
- 3. CONTRACTOR: Guy Rosas, Martial Arts Instructor
DATES: July 19, 2004 through August 31, 2004
RATE PER CL: \$11.35
MAXIMUM AMT: \$646.95
CONTRACT: **2003/2004-167**

MULTI-PURPOSE RECREATION CENTER
DEPARTMENT ID: 51510032, ACCOUNT 502214

- 4. CONTRACTOR: Arlow Cruz, Aerobics Instructor
DATES: July 14, 2004 through August 31, 2004
RATE PER CL: \$9.00
MAXIMUM AMT: \$180.00
CONTRACT: **2003/2004-168**

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso City Council hereby approves the submission and nomination of the Chihuahueta Neighborhood Plan, adopted on March 2, 2004, for a 2004 Texas APA (American Planning Association) Award under the category of "project Planning Award; and that the El Paso City Council hereby authorizes George G. Sarmiento, Planning Director, to sign the completed award nomination forms and all other related documents for submission of the Chihuahueta Neighborhood Plan to the Texas APA prior to the July 23, 2004 deadline.

***RESOLUTION**

WHEREAS, the zoning regulations of the City of El Paso have been established for the purpose of promoting the health, safety, morals and the general welfare of its citizens; and

WHEREAS, the zoning regulations have been adopted in accordance with *The Plan for El Paso*, the City's comprehensive plan; and

WHEREAS, it has been determined that not all problems of growth are to be solved by limiting the scope, program or location of development, but rather by encouraging the utilization of existing infrastructure through urban infill and redevelopment; and

WHEREAS, infill opportunities exist in older areas of the City that can help revitalize built-out neighborhoods; and

WHEREAS, future infill efforts can create immediate economic opportunity in older areas of the City; and

WHEREAS, the El Paso City Council requested that a modification to the zoning regulations be made to encourage infill growth as a desirable growth strategy; and

WHEREAS, a modification to the zoning regulations reducing the magnitude of constraints that inhibit the density and mix of uses for infill development has been adopted; and

WHEREAS, the El Paso City Council finds that the adoption of the Infill Ordinance zoning regulation carries out the purpose and spirit of the policies expressed in *The Plan for El Paso*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

1. **THAT** the El Paso City Council hereby approves the submission and nomination of the Infill Development Ordinance adopted on December 16, 2003, for a 2004 Texas APA (American Planning Nomination) Award under the category of "Current Planning Award" and

2. **THAT** the El Paso City Council hereby authorizes George G. Sarmiento, Planning Director, to sign the completed award nomination forms and all other related documents for submission of the Infill Development Ordinance to the Texas APA prior to the July 23, 2004 deadline.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **MARIA E. RIVERA** to assist the Police Department as a Crisis Response Team Case Manager at an hourly rate of \$12.50 for 40 hours per week, not to exceed 40 hours per week. The term of the contract shall be for the period of July 14, 2004 through June 30, 2005.

Representative Rojas asked whether the Crisis Response Team Case Manager position was funded with grant monies.

Representative Escobar asked what the duties of the position were.

Assistant Police Chief Paul Cross responded yes the position was funded with grant monies and elaborated as to the position duties.

Motion made by Representative Lozano, seconded by Representative Escobar and unanimously carried to approve the above resolution.

NOTE: Both resolutions to approve contracts with Maria E. Rivera and Cindy Duran were considered together.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CINDY DURAN** to assist the Police Department as a Crisis Response Team Case Manager at an hourly rate of \$12.50 for 40 hours per week, not to exceed 40 hours per week. The term of the contract shall be for the period of July 14, 2004 through June 30, 2005.

See above for discussion.

Motion made by Representative Lozano, seconded by Representative Escobar and unanimously carried to approve the above resolution.

NOTE: Both resolutions to approve contracts with Maria E. Rivera and Cindy Duran were considered together.

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***RESOLUTION**

WHEREAS, Clarence Ansley, Brooks Dawson and Emily Garcia Heaton and other members of the El Paso Community have organized to propose the creation of a non-profit foundation to promote public safety and security by providing funds and other resources to the El Paso Police Department;

WHEREAS, such a foundation would be a non-profit independent entity that will serve as a conduit for community input and tax-deductible donations to support El Paso Police Department initiatives and programs;

WHEREAS, the El Paso City Council finds that an association between the foundation and the City will greatly benefit the community as well as the Police Department; and

WHEREAS, the use of the phrase "El Paso Police" as part of the name of the foundation requires City authorization and approval.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO TEXAS:

That Clarence Ansley, Brooks Dawson and Emily Garcia Heaton and their agents and attorneys are authorized to use the phrase "El Paso Police" as part of the name of a non-profit foundation to promote public safety and security by providing funds and other resources to the El Paso Police Department for the purposes of incorporation, the development of by-laws, the preparation and submission of all paperwork related to the incorporation and acquisition of non-profit organizational status with the Internal Revenue Service and the use of the Police Headquarters address for purposes of incorporation or naming a Registered Office subject to the following conditions:

- 1. The foundation be incorporated only for the purposes set forth in this resolution.

2. Once incorporated, the Foundation shall meet with the City to negotiate and sign a Management Agreement to define their respective rights and responsibilities with regard to the continued use of the phrase "El Paso Police" and the name of the City and other matters relating to the purpose of the foundation to include the development of goals for the foundation, the accountability of the foundation to the City and the community, and the foundation's relationship and responsibilities to the City.
3. The authorization to use the phrase "El Paso Police" as part of the name of the foundation shall terminate on January 13, 2005 if the City and the Foundation have not entered into a Management Agreement as described in paragraph 2 above by that date.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the Institute for Policy and Economic Development at the University of Texas at El Paso for the Institute to conduct a police satisfaction and criminal victimization survey for the Police Department.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an appraisal services agreement, pursuant to requirements set forth in 19.44 of the City of El Paso Municipal Code, with RALPH SELLERS & ASSOCIATES, for the appraisal of a 3.12 acre portion of Ethel Road, as more fully described in such appraisal services agreement as made part of City street vacation application SV04003.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a Grant Application to the Texas Forest Service on behalf of the City of El Paso in the amount of \$20,000.00 for the Arborist; and

That the Street Department be authorized to furnish additional information that may be required by the Texas Forest Service in connection with the Grant Application for this Project; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreement and related documents, and any amendments to the initial Grant Agreement which increases or decreases funds, provided that no additional City funds are required, upon approval by the Texas Forest Service.

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 Motion made by Representative Austin, seconded by Representative Cook and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Borderland Fire Station #2 Landscape Project ("Project") is in the public interest and should be executed pursuant to the proposed project scope (Exhibit B – on file in the City Clerk's Office), with contributions of funds, materials and labor for the project solicited by the El Paso Green Sweep Committee; and that the Streets Director be authorized to negotiate, the City Attorney's Office be authorized to prepare, and the Mayor or his designee be authorized to sign, all documents necessary to complete the Project, including but not limited to donation agreements for materials, labor and maintenance.

Ms. Lucinda Cuellar, citizen, stated that Fire Station No. 2 was the only City Fire Station without landscaping and added that with the assistance of Ms. Dee Wardy, wife of Mayor Joe Wardy, and the El Paso Green Sweep Committee, the Fire Station would be provided landscaping.

Representative Rojas asked whether Fire Stations in her district might receive landscaping assistance.

Ms. Wardy expressed that she was happy to help with the landscaping project and requested Representative Rojas provide her with the necessary information regarding landscaping the Fire Stations located in District 7.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve the above resolution.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to re-appoint Elijah Graham to the Civil Service Commission by Representative Robert A. Cushing, Jr., District 2.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to appoint Lourdes Lopez to the Bond Overview Advisory Committee (as a member of the El Paso Zoological Society) by Representative John F. Cook, District 4.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C340-999-0980-6100 \$567.97 per month installments on a balance of \$6,815.64 for 2003 taxes; John S. & Marjory D. Brady – 6285 Camino Alegre
- B. PID #C340-999-1010-2100, \$233.29 per month installments on a balance of \$3,266.06 for 2003 taxes; Cesar J. Cardona – 6852 Amposta Dr.
- C. PID #C518-999-0650-3000, \$220.97 per month installments on a balance of \$2,651.64 for 2003 taxes; Narciso & Monseratte H. Alvarez – 8104 Morley Dr.
- D. PID #C733-999-0050-1300, \$209.80 per month installments on a balance of \$2,517.60 for 2003 taxes; Alice C. Blanco – 4100 Siete Leguas.
- E. PID #C801-999-0260-0500, \$1,060.42 per month installments on a balance of \$12,725.04 for 2003 taxes; Brenda & Harold R. Hayes III – 1088 Thunderbird.
- F. PID #'s D361-999-0110-3600, D361-999-0110-4100, D361-999-0110-4200, D361-999-0110-4300 & D361-999-0110-4400, \$1,009.79 per month installments on a balance of \$24,234.96 for 2000, 2001, 2002 & 2003 taxes; A & A RE Investments LP – 8973 Herbert.
- G. PID #H788-003-0180-0070, \$376.67 per month installments on a balance of \$4,143.37 for 2003 taxes; Manuel & Anna Reyes – 3700 Paisley.
- H. PID #I256-999-0350-1400, \$186.26 per month installments on a balance of \$2,235.12 for 2003 taxes; Joseph M. & Monika M. Barnum – 3509 Broken Arrow Dr.
- I. PID #M056-999-0320-5300, \$273.10 per month installments on a balance of \$3,277.20 for 2003 taxes; Victor P. Morales – 2735 Gold Ave.
- J. PID #M372-999-0020-2200, \$819.51 per month installments on a balance of \$4,917.06 for 2000 & 2002 taxes; Jose F. & Socorro Oropeza – 1209 – 1211 Huckleberry.

- K. PID #N229-999-0070-3100, \$193.93 per month installments on a balance of \$2,327.16 for 2003 taxes; Pedro & Rosa E. Venegas – 2237 Robert Wynn.
- L. PID #N425-999-0320-7400, \$468.94 per month installments on a balance of \$5,627.28 for 2003 taxes; Greg Sr. & Rosemary Dudley – 4209 John B. Oblinger Dr.
- M. PID #R534-999-0030-0700, \$360.77 per month installments on a balance of \$4,329.24 for 2003 taxes; Stephen W. & Vickie T. Cox – 5705 Novilla Pl.
- N. PID #S127-999-0120-4100, \$175.42 per month installments on a balance of \$2,105.04 for 2003 taxes; 11340 Lake Geneva Dr.
- O. PID #'s T223-999-0020-0550 & PID #V650-999-0010-0600, \$308.76 per month installments on a balance of \$3,705.12 for 2003 taxes; Santos Villegas & Gilbert Morales – Burnham.
- P. PID #U819-999-002A-0251, \$420.05 per month installments on a balance of \$5,040.60 for 2003 taxes; Ed & Patricia R. Hickerson – 4700 Emory.
- Q. PID #V893-999-0730-1300, \$158.24 per month installments on a balance of \$2,531.84 for 2003 taxes; Teresa Saucedo – 1908 Anise Dr.
- R. PID #V897-999-0380-1600, \$311.66 per month installments on a balance of \$5,609.88 for 2003 taxes; Jaime & Yolanda T. Moreno – 2008 Ivan Smith.
- S. PID #W180-004-0033-0032, \$172.93 per month installments on a balance of \$2,075.16 for 2001, 2002, & 2003 taxes; Elvia Aguirre – 1401 Westway.
- T. PID #X011-999-000C-5700, \$1,149.39 per month installments on a balance of \$13,792.68 for 2003 taxes; Paisano Medical Plaza – 5301 Alameda.
- U. PID #X579-000-2350-1070, \$525.00 per month installments on a balance of \$3,675.00 for 2003 taxes; Mohammad T. Mostajeran & Roya Mostajeran – 13200 Montana.
- V. PID #0398-999-9016-0000, \$1,821.03 per month installments on a balance of \$21,852.36 for 2000, 2001 & 2002 taxes; Ram Fixture & Display % Gilbert Ramirez – 6975 Commerce.

.....
 *Motion made Representative Cobos, seconded by Representative Cook and unanimously carried that the following tax refunds be approved:

- A. MCI Lease Administration in the amount of \$11,278.30, overpayment of 2003 taxes.
 (PID #L612-999-0010-0250)
- B. ABN-AMRO Mortgage Group in the amount of \$3,833.19, overpayment of 2003 taxes.
 (PID #C739-999-0020-2750)
- C. MCI Lease Administration in the amount of \$63,747.67, overpayment of 2003 taxes.
 (PID #1998-999-2290-0042)
- D. Transcontinental Title Co. in the amount of \$2,652.78, overpayment of 2003 taxes.
 (PID #N425-999-0470-4200)
- E. First American TAX Service in the amount of \$2,547.20, overpayment of 2003 taxes.
 (PID #P448-999-001D-4000)

F. Ocwen Federal Bank in the amount of \$4,474.11, overpayment of 2002 taxes.
(PID #R237-000-0040-1302)

G. Land America in the amount of \$5,710.01, overpayment of 2003 taxes.
(PID #R460-999-0040-2900)

H. Humberto & Victoria Rosales in the amount of \$2,637.70, overpayment of 2003 taxes.
(PID #W145-999-0460-4200)

.....
*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to postpone one (1) week the request for authorization to allocate \$2,350.00 from District #3 Discretionary Funds to provide a speed hump on Franklin and Dale Road.

.....
*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to approve Change Order No. #1 to Contract 2002-123, Security Guard Service for the Police Department, to add security services at the parking lot located at Mills and Ochoa. Effective July 18, 2004 through the expiration of the contract.

Department: Police
Funds Available: 21010050-01101-502212
Funding Source: General Fund

.....
*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to approve the following Change Order to Silverton Construction Co., Inc. for the Cleveland Square Redevelopment project:

Change Order No. Three (Construction Change), for an increase in the amount of \$55,609.00. The purpose of this change order is to remove the buried debris and concrete slab found under the existing parking lot of the Main Library during construction. This change order also adds fourteen (14) calendar days to the completion due date.

Additionally, it is requested that the Mayor be authorized to execute budget transfers for this project as necessary.

.....
*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to approve budget transfer BT2004-849 HEALTH

To increase City Budget so it matches TDH grant amount.

Increase	\$32,791	to	41150015/G41042206084/406001	StateGrtProc
Increase	\$32,791	to	41150015/G41042206084/502400	Bldg Lease

.....
*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to approve budget transfer BT2004-876 LIBRARY

The Library requests a budget transfer under the FY04 E-Rate Reimbursement fund. This budget transfer will allocate the funds remaining to pay for the tutor.com services.

Increase	\$19,833.75	to	53153054/G53041107025/407002	Est Rev
Increase	\$ 3,171.00	to	53153054/G53041107025/502107	DatProcSrv
Increase	\$ 1,662.75	to	53153054/G53041107025/508010	DatProcEq
Increase	\$15,000.00	to	53153054/G53041107025/508035	Communicat

*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to approve budget transfer BT2004-933 PARKS AND RECREATION

This budget transfer requests an appropriation increase to reflect a donation received from NRPA for a football program at Acosta Sports Center.

Increase	\$5,000	to	51010215/P50020216302/405060	Donation
Increase	\$3,000	to	51010215/P50020216302/502215	CntractsNOC
Increase	\$2,000	to	51010215/P50020216302/504414	Membership

*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to approve budget transfer BT2004-941 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to establish a budget for the PSB portion of the Citywide Minor Drainage Project Improvements Group #4 (Subfund 522).

Increase	\$115,089.45	to	14150086/PPW002900327702/508027	Construction
Increase	\$115,089.45	to	14150086/PPW002900327702/406002	LocalMatch

*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to approve budget transfer BT2004-944 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$100,000 from the New Pool at Delta Site and \$100,000 from the relocation of Washington Senior Center project (New Delta Senior Center) and transfer the \$200,000 to the Convert Pool and Senior Center project per City Council motion dated May 18, 2004. Funding source is 2000 QOL bonds. Building and Planning Services also proposes to transfer \$118,750 within the same project to realign the project budget.

Increase	\$ 55,000	to	31130564/PPW0057004YR260008/508009	Furn&Fixt
Increase	\$251,260	to	31130564/PPW0057004YR260008/508027	Construction
Decrease	\$ 61,760	from	31130564/PPW0057004YR260008/508050	Design
Decrease	\$ 18,500	from	31130564/PPW0057004YR260008/508024	Testing
Decrease	\$ 16,000	from	31130564/PPW0057004YR260008/508026	Inspections
Decrease	\$ 10,000	from	31130564/PPW0057004YR260008/508051	CityMgmt
Decrease	\$ 5,000	from	31130614/PPW005700360067/508022	Admn
Decrease	\$ 20,000	from	31130614/PPW005700360067/508024	Testing
Decrease	\$ 25,000	from	31130614/PPW005700360067/508026	Inspections
Decrease	\$ 50,000	from	31130614/PPW005700360067/508027	Construction
Increase	\$100,000	to	31130564/PPW0057004YR260008/407050	Trf from Prj
Increase	\$100,000	to	31130614/PPW005700360067/507006	Trf to Prj
Decrease	\$ 5,000	from	31130614/PPW005700260066/508022	Admn
Decrease	\$ 19,700	from	31130614/PPW005700260066/508024	Testing
Decrease	\$ 75,300	from	31130614/PPW005700260066/508027	Construction
Increase	\$100,000	to	31130564/PPW0057004YR260008/407050	Trf from Prj
Increase	\$100,000	to	31130614/PPW005700260066/507006	Trf to Prj

*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to approve budget transfer BT2004-949 STREET

Additional funding needed for maintenance and repair of vandalized parking meters.

Decrease	\$10,000	from	32010200/01101/502227	PubAcMntCnt
Increase	\$10,000	to	32010313/01101/503209	ParkMtrsMnt

*Motion made Representative Cobos, seconded by Representative Cook and unanimously carried to approve budget transfer BT2004-950 AIRPORT

Transfer of funds to cover the acquisition of a new transformer required to replace old model – needed for continued terminal operations (east concourse).

Increase	\$20,000	to	62620005/40101/502226	Bldg/FacMaint
Increase	\$20,000	to	62620005/40101/407062	Trf in fromAP
Increase	\$20,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$20,000	to	62620018/P50000241021/507001	Intfd Trf Out

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to move to the regular agenda the request of Michael Apodaca to hold a demonstration walk on July 20, 2004 from 9:01 a.m. to 9:30 a.m. Route: 500 Porfirio Diaz, turning right on Prospect St., ending at the intersection of Prospect and N. Santa Fe. Approximately 500 persons will participate with no spectators anticipated. This request includes the use of amplification (one bullhorn). PERMIT NO. 04-064 [Michael Apodaca]

Mr. Antonio Williams, citizen, read from a prepared statement expressing the need for greater community involvement, specifically, in local government.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to approve the request of Michael Apodaca to hold a demonstration walk on July 20, 2004 from 9:01 a.m. to 9:30 a.m. Route: 500 Porfirio Diaz, turning right on Prospect St., ending at the intersection of Prospect and N. Santa Fe. Approximately 500 persons will participate with no spectators anticipated. This request includes the use of amplification (one bullhorn). PERMIT NO. 04-064 [Michael Apodaca]

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Escobar was not present for the vote.

- A. An Ordinance amending Ordinance Nos. 15073 and 15245, providing for Art in Municipal Places, to revise the basis of calculation of funding, to provide for alternative sources of funding in conformance with requirements for General Obligation Bond Elections and to provide for the creation of a general Public Arts Fund.
- B. An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 20, Lay-Off, Job Rights, Reinstatement, to amend the Lay-Off and Reinstatement Procedures.
- C. An Ordinance amending Ordinance Number 012539 which granted a franchise to El Paso Electric Company, for the purpose of extending the City's option period under Section 13.

PUBLIC HEARING WILL BE HELD ON JULY 27, 2004 FOR ITEMS A – C

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

NOTE: Content of Ordinance #C was revised.

Discussion on A: An Ordinance amending Ordinance Nos. 15073 and 15245, providing for Art in Municipal Places, to revise the basis of calculation of funding, to provide for alternative sources of funding in conformance with requirements for General Obligation Bond Elections and to provide for the creation of a general Public Arts Fund.

Mr. Ray Gilbert, citizen, questioned the intent of the ordinance.

Mr. John Nance, Assistant City Attorney, explained that the principal purpose of the ordinance amendment was to align the requirements of the bond elections with the original intent of the Public Arts ordinance. He answered questions from and responded to comments made by the Council Members.

Representative Cobos spoke in opposition to the intent of the ordinance and 2% for public arts program. He stressed separating public arts items on election ballots.

Representative Cook explained the original intent of the 2% for Public Arts Ordinance and opined that the ordinance introduction would provide a "disclosure" on the ballot for the public art item. He added that the original ordinance was written for both certificates of obligation and general obligations bonds.

Mayor Joe Wardy stated that the voters should determine how their tax dollars are spent.

Representative Power asked whether or not monies that were set-aside for the public arts projects were in jeopardy.

Mr. Nance stated that the monies, approximately \$500,000, were not in any jeopardy.

Discussion on B: An Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 20, Lay-Off, Job Rights, Reinstatement, to amend the Lay-Off and Reinstatement Procedures.

Ms. Lisa Turner, citizen, commented on the "drawing of lots" language written within the Ordinance under, Section 1. Layoffs; Paragraph B. She stated that the language did not make sense and was unprofessional. She answered questions from and responded to comments made by the Council Members.

Representative Cushing clarified that the language was in reference to "a tie, in the amount of seniority"

Representative Austin noted that the "drawing of lots" has been utilized for "contract" employees.

Mr. Bill Arballo, AFSCME (American Federation of State, County and Municipal Employees) representative, spoke in favor of the Ordinance.

Discussion on C: An Ordinance amending Ordinance Number 012539 which granted a franchise to El Paso Electric Company, for the purpose of extending the City's option period under Section 13.

Ms. Terri Cullen-Garney, Deputy City Attorney, suggested that the ordinance language be amended to state "or before February 1, 2005". She answered questions from and responded to comments made by the Council Members.

Ms. Lisa Turner, citizen, asked whether the ordinance language pertained to deregulation and whether or not the public would have a choice in the matter. She requested that the City not participate in deregulation.

Mayor Joe Wardy explained that the administrative body of the PUC ("Public Utility Commission") had ruled on June 9th, that the community was not ready for deregulation. He added that the final PUC ruling would be heard in September.

Ms. Lisa A. Elizondo, City Attorney, opined that the PUC (Public Utility Commission) would be making the determination on whether or not deregulation would occur.

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No action was taken on the discussion and action on compliance with the City Charter as it relates to layoffs.

Mr. Frank Delgado, City employee (Planning Research and Development Department) and President of the El Paso Employees Association read into the record language from the City Charter (Article VI Civil Service, Section 6.10-1. Conditions For Layoffs) and commented on the recent explosion of contract employees noting that the job duties were the same as or similar to and raises provided to contract employees. He explained that, with few exceptions, contract employees were hired while the Human Resources Department processed the position for a Civil Service employee. He questioned why Civil Service employees, some with 20 plus years of experience, were considered for the layoff previous to contract employees and/or new hires. He strongly requested that the administration follow the layoff process, as per the City Charter, and that contract employees not be given favoritism over Civil Service employees. Mr. Delgado stated that Civil Service Employees rely on Commission's rulings.

Mayor Joe Wardy clarified for the record, there is a proposal for layoffs, there has not yet been a decision by this governmental body to take that into account. He stated that some individuals had been notified, perhaps some of them wrongfully, and if mistakes were made, then we'll atone for them. He assured Mr. Delgado that the City Council would follow the City Charter if the layoff proposal was approved by the Council, in its proper format, to protect the integrity of the system. He explained that a proposal had been made to eliminate 100 positions, 30 of which are filled, and stated he wanted to make it crystal clear that this has not been an approved action yet.

Mr. Jim Martinez, Chief Administrative Officer, stated that once the budget was adopted, the administration would speak with those affected employees and provide them options. He clarified that of the 30 positions considered for layoff, 17 were Classified Civil Service positions and 13 positions were not in the Civil Service Commission. He explained that it would be not be proper for an individual to read the proposed budget and realize that his/her position had been eliminated, therefore, he requested Department Heads speak with those affected employees whose positions would be eliminated. He recommended that it would be premature to sit down with the 17 affected employees and spell out the specific positions of which they might be eligible, as radical changes to the budget might be possible between now and September 1st. He answered questions from and responded to comments made by the Council Members.

Representative Cushing read into the record language from the City Charter (Article VI Civil Service, Section 6.10-2. Job Rights) and commented on the duties of the City Council and Civil Service Commission.

Mr. Delgado made remarks pertaining to a substantial raise afforded to one Information Technology employee and the grants contract employees and requested that the Council afford the Civil Service employees the same consideration. He responded to questions from Representative Cushing regarding contract employees, specifically Information Technology Department personnel, and the decision of those positions to be removed from under the Civil Service Commission protection.

Mayor Wardy added that the Council must be prudent in their actions to eliminate tax increases and explained that the intent of the Council was not to harm people's lives.

Representative Cobos asked Mr. Delgado questions regarding Civil Service employees becoming contract positions and the Mayor's proposed COLA increase of \$1.2 million.

Representative Power asked Ms. Lupe Cuellar, Deputy City Attorney, what action the Council would take in the event the Civil Service Commission opposed the elimination of the positions thereby making an unfunded mandate on the Council to keep the positions on the staffing table.

Ms. Cuellar explained that the Civil Service Commission could direct that an investigation be conducted to determine whether the layoff process and procedures were conducted as per the City Charter and Civil Service Rules and Regulations. She answered questions from and responded to comments made by the Council Members.

Representative Austin asked Ms. Cuellar the possibility of an individual being reinstated to a previously abolished position.

Ms. Lisa Turner, citizen, asked of the 17 positions to be abolished, how many of the individuals were over the age of 50 and was the Civil Service Commission subordinate to the City Charter or vice-versa.

Ms. Cuellar explained that reinstatements are to existing positions, not to those which not longer appear on the staffing tables.

Mayor Wardy responded employees were not being targeted.

Ms. Lisa A. Elizondo, City Attorney, responded that the language of the City Charter would control the Civil Service rules.

Mr. Lance Ruck, Chairman of the Civil Service Commission, stated the City Council was the appointing authority and added if and when positions were abolished, employees would be given the opportunity to appeal to the Civil Service Commission.

The following individuals spoke in opposition to the proposed layoffs:

Mr. James Sienkiewicz, Classification and Compensation Manager, Human Resources, stated that he was told his job was being eliminated. He noted that the position he currently occupied was unique in the City's classification system and expounded on his many credentials. He asked why he was being targeted when for the last four years he has been rated "Exceeds Standards" on his personnel evaluations. He commented on the disproportion amount of layoffs within the Human Resources and the rippling effects on City services.

Mr. Bill Arballo, AFSCME (American Federation of State, County and Municipal Employees, Local 59), commented that AFSCME represented both Civil Service and contract employees. He pleaded on behalf of the City-County Health and Environmental District employees, not covered within the Civil Service rules and regulations. He challenged the Mayor and Council to scrutinize the budget closely for other means of cutting the City's budget and commented on the County of El Paso's implementation of a "Bright Ideas" program whereas County employees were rewarded for suggestions for operational improvements.

Item: Discussion and action on the city's policies related to code enforcement of nuisance violations.
[Representative John F. Cook, (915) 541-4140]

No action was taken on the matter.

Representative Cook provided copies a document containing information regarding nuisance violations (on file in the City Clerk's office) and proposed that the City initiate a policy which whereas if a property owner has already received a warning within the past 12 months, the City would issue a citation. Additionally, he proposed that if a property owner receives an additional citation, the City clean that property and issue a Sanitation Lien. He explained that Municipal Court Judge Regina Arditti had established an Environmental Court from which those violations would be heard. He provided background information regarding "Morning Glory Circle" and the lack of maintaining the properties by some individuals. He asked the Legal Department whether or not a minimum administrative fee could be associated with the citations, not just the penalty.

Representative Lozano requested that City properties be included in the proposal and explained that he was organizing a neighborhood clean sweep to help the elderly clean their properties. He spoke in opposition to the proposal and stated that the public could take care of the community and not just the government.

Representative Power explained that he had proposed the same initiative years ago and concurred with Representative Cook's proposal. He commented that tourists have stated El Paso is a dirty city and added property owners should be held accountable for the cleanliness of their properties. He suggested that a policy be implemented whereas the City would collect the trash bags and debris from property owners who properly maintain their properties.

Representative Cushing asked Mr. George Phillips, Building Permits & Inspections ("BP&I"), as to what the dollar amount of outstanding demolition and sanitation liens. He questioned why the amount of uncollected liens was so high. He stated that he was opposed to the City subsidizing the cleaning of properties.

Mr. Phillips responded that within the Housing Compliance Division of the BP&I Department the amount of uncollected liens was over \$686,000.00. He explained that property owners appear before the judge and if the property has been cleaned the City would recover no monies on the fines. He explained that the City of Flower Mound hires outside contractors to clean properties in violation and elaborated on the manner in the Flower Mound enforced their nuisance ordinance.

Representative Austin asked Mr. Phillips to elaborate on numbers provided by Representative Cook's document and asked what type of technology/communication equipment the field inspectors utilized.

Mr. Alan Shubert, Director of Building Permits and Inspections, replied that it was his hope that the field inspectors would be equipped with necessary technological equipment. He added that job duties of the field inspectors and code compliance inspectors were different.

Mr. Marvin Foust, Assistant City Attorney, provide legal advice regarding the possibility of the inclusion of a minimum administrative fee associated with the issuance of the citation, as well, as the issuance of the penalty. He explained that following discussions with the Solid Waste Management Department, Building Permits and Inspections and the City Prosecutors office, he would bring an ordinance introduction to the Council in approximately three to four weeks.

Representative Power commented on clean cities attracting businesses and asked that BP&I Department change their internal policy right away, one warning to be given to the property owner followed by subsequent citations.

Mr. Shubert stated that the City owns over 3,000 properties and were the biggest violator; however, lack of resources prevents the Department from enforcing the proposed policy. He expressed doubt regarding the collection of the liens placed on property owners in violation.

Representative Austin asked Mr. Shubert whether BP&I could cite individuals who rent, in addition to the landlord.

Representative Cook explained that he would like to draft staff to issue citations if there is a reoccurrence of an offense within a 12-month period, after one warning has been issued.

Representative Power advocated for once in a lifetime warnings rather than the proposed once a year warning.

Representative Cobos stated he was not ready to act on the issue today; however, he asked Mr. Shubert to bring recommendations on policy changes for a future agenda item.

Representative Cook requested that those policy changes be discussed during the BP&I budget hearing.

Representative Rojas asked what the dollar amount for the fines might be.

Mr. Al Avila, City Prosecutor, explained the fines range from \$1.00 to \$2,000.00 and commented on the success ratio for the collection of fines.

Representative Cushing asked Ms. Richarda Duffy Momsen, City Clerk, what the strain on the Municipal Court dockets might be.

Ms. Momsen responded the strain would be significant.

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Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried to postpone one (1) week the discussion and action concerning the justification, if any, including but not limited to traffic studies, requestor/s of traffic control signage, etc., for the placement of multiple stop signs at the intersections/s of Mayfield Terrace, Memphis Street, Kentucky Street, and Red Canyon, in a low traffic density residential neighborhood, and additionally discussion and action on the same issues with respect to the placement of speed signage in the same respective area/s.

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Motion made by Representative Lozano, seconded by Representative Escobar and unanimously carried to direct staff to introduce an ordinance regarding the speed reduction on Glengarry from 35mph to 30mph. Representative Austin was not present for the vote.

.....
Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve the Bond Overview Advisory Committee recommendation to eliminate the following projects from the QOL Bond Program due to completion of the projects with Community Development Block Grant funds, and that their corresponding budgets be transferred to the Parks Proposition contingency:

Community Development Block Grant Projects

	Project	District	Project Budget
1.	Carolina Phase 2	7	\$ 16,000
2.	Logan	2	\$ 72,000
3.	Pera-Luna	8	\$ 31,000
4.	San Juan Strip - 1	3	\$ 31,000
5.	San Juan Strip - 2	3	\$ 11,000
6.	Thorn	1	\$165,000
7.	Yucca	7	\$ 10,000
	Total		\$336,000

Representative Cobos asked Ms. Patricia Adaauto, Deputy CAO for Building and Planning Services, to explain the funding source and which parks would be receiving the park contingency monies.

Ms. Adaauto explained that the Parks and Recreation Department had applied for CDBG funds, in the event the Quality of Life bond projects were not approved. She noted the monies would be placed in a fund balance for contingency issues.

Representative Lozano requested that an impact study be conducted for the Carolina Recreation Center parking lot.

Mr. Jim Martinez, Chief Administrative Officer, commented on the 60 other projects that the voters had approved in the 2000 Quality of Life Bond project.

Representative Rojas asked Ms. Adaauto why the projects had been duplicated.

Ms. Adaauto reiterated her previous comments and explained that the CDBG monies had become available sooner. She noted that basketball courts and trees would be installed at the Carolina Recreation Center.

Mr. Juan Contreras, Perspectiva + 3 D/I, answered questions from and responded to comments made by the Council Members.

.....
Item: Discussion and action regarding the City's Options Pursuant to the Franchise with El Paso Electric Company. [Attorney at Law, Norman Gordon, (915) 532-2000]

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to approve the resolution that the City Attorney And/Or Her Designee(s) Are Authorized To Negotiate With El Paso Electric Company Regarding Amendments To And/Or Extensions Of The Franchise Agreement Between El Paso Electric Company And The City Of El Paso, Ordinance No. 012539 And To Report Back To The City Council At The July 27, 2004 Regular Council Meeting.

NOTE: This item was considered together with the approved resolution.

Mr. Clyde Pine, attorney with the law firm of Mounce, Green, Myers, Safe & Galatzan, PC, explained the City's options and proposed timeline of events. He answered questions from and responded to comments made by the Council Members.

Representative Cushing asked Mr. Pine regarding the possible purchase of assets and the estimated dollar amount.

Mayor Joe Wardy noted the opening price was \$1.5 billion.

Representative Cook asked Mr. Pine questions regarding Palo Verde.

Representative Austin asked Mr. Pine whether the El Paso Electric Company had provided a written acceptance.

Mr. Pine explained that the Electric Company would be providing an authorization letter and noted that public hearing would be held on the matter at the July 27, 2004 City Council meeting.

Ms. Lisa Turner, citizen, commented.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone two (2) weeks the Resolution that the City accepts the dedication of a Street Right-of-Way located within a portion of Tract 1A, Block 11, Upper Valley Surveys (the extension of Gomez Road to serve Valley Creek Park), City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds in the attached Exhibit "A" from Frontera Vista L.P., a Texas Limited Partnership.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to direct staff to prepare a vacation ordinance for introduction and to ensure the property appraisal be complete within two weeks.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and asked the Council whether City staff should pursue the vacation of a portion of Pizarro Drive. He answered questions from and responded to comments made by the Council Members.

Representative Cook asked Mr. Valdez why the CPC (City Plan Commission) had denied the applicant's request.

Mr. Valdez explained and added that the appeal was being considered under the Subdivision Ordinance.

Mr. Terry Squire, property owner, explained the reason for the appeal and answered questions from and responded to comments made by the Council Members.

Representative Cobos directed staff to prepare the appraisal paperwork and an vacation ordinance for introduction.

Mr. George G. Sarmiento, Director of Planning, Research and Development, noted that the Purchasing Department would issue the request for appraisal services.

Representative Escobar requested that the City initiate an open-ended contract for appraisal services.

Representative Austin asked whether or not it was appropriate for the Council to approve the appeal prior to directing staff to introduce an Ordinance.

Mr. Matt Watson, Assistant City Attorney, explained that the Council would not be approving the merits of the appeal today and answered questions from and responded to comments made by the Council Members.

Representative Power asked who would be paying for the appraisal of the property.

Mr. Valdez responded the applicant would pay.

.....
Motion made by Representative Cushing, seconded by Representative Cook and carried to refer this appeal case back to the Historic Landmark Commission and to instruct the Commission to work with the applicant on suitable materials rendered by the El Paso Historic Landmark Commission on June 7, 2004 for case number HP04014 which denied a Certificate of Appropriateness for the construction of a 272 square feet addition at the side of the structure. Applicant: Alvaro Castro Ramirez, 2701 San Jose, El Paso Texas 79930. Representative: Alvaro Castro Ramirez. **THIS IS AN APPEAL CASE.**

AYES: Representatives Cushing, Lozano, Cook, Escobar, Rojas and Cobos

NAYS: Representatives Austin and Power

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and explained that the applicant had constructed the structure without permits and added that the structure was not in compliance with the Historic Landmark Commission's recommendations.

Mr. Jorge Rousselin, Planning Research and Development, explained that the applicant had not applied for building permits to construct the noncompliant structure. He answered questions from and responded to comments made by the Council Members.

Mr. Thomas Maguire, Building Permits and Inspections, commented.

Representative Cushing moved that the issue be referred back to the Historic Landmark Commission with instructions that the Commission work with the applicant to bring the matter more in line with historical standards.

Representative Rojas stated the applicant was denied the opportunity to speak at the Historic Landmark Commission.

Ms. Cindy Crosby, Chair, Historic Landmark Commission Chair requested the Council refer the matter back to the Historic Landmark Commission to further work with and that the applicant present the Commission with proposed plans.

Motion made by Representative Cushing, seconded by Representative Power and carried to deny the appeal of a decision rendered by the El Paso Historic Landmark Commission on June 7, 2004 for case number HP04016 which denied a Certificate of Appropriateness for the construction of a 20' x 20' carport and concrete driveway at the front of the property. Applicant: Denise Martin, 1400 Raynolds, El Paso Texas 79903. Representative: Andres Lopez. **THIS IS AN APPEAL CASE.**

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone three (3) weeks until the Regular City Council meeting scheduled for August 3, 2004 an Ordinance Amending Title 18 (Building and Construction), by creating Chapter 18.11 (Barrier Free Construction), to require Specific Design Features to create barrier-free construction in new Single Family Dwellings, Duplexes, Triplexes, and Townhomes constructed within approved subdivisions. The penalty as being provided in Chapter 1.08.

.....
*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to delete the public hearing to determine if the property located at 7361 Alameda Avenue Space V, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated March 13th, 2003. The owners of this property, Alfredo and Delia Martinez, Owners, 4923 Knox Drive, El Paso, Texas 79904-3427, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

.....
No action was taken regarding the public hearing to determine if the property located at 320 N. Carolina Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated December 8th, 2003. The owner of this property, Victor Mendez, 2425 Red Rock Canyon Drive, El Paso, Texas 79930, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

.....
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structure located on the property at 3802 E. San Antonio Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lot: 20, Block 22, W. B. Latta's "Woodlawn" Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 13, Page 53, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Jose Quintana, 3802 E. San Antonio Avenue, El Paso, Texas 79905, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on July 13th, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and

- b. That the structure is not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
 3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
 4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
 5. That the costs incurred by the City in connection with demolishing the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
 6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
 7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
 8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within thirty (30) days after notice of this Resolution. The findings shall become final after thirty (30) days of receipt of Notice; and

9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried to approve the above resolution.

.....
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structures located on the property at 1324 Myrtle Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: 11 and 12, Block 32, Franklin Heights, an Addition to the City of El Paso, El Paso County, Texas

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Alicia P. Bustamante, 3208 Donegal Road, El Paso, Texas 79925-4148, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on July 13th, 2004; and

WHEREAS, Alicia P. Bustamante, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structures are not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and

- d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structures cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Buildings be secured and maintained secured within (30) days; and
 - b. That the premises be cleaned and maintained cleaned of all weeds, trash and debris within (30) days; and
 - c. That the Owner of said Buildings is hereby ordered to comply with all requirements of the Resolution; and
 - d. The owner is advised that in order to obtain a new certificate of occupancy, all buildings and their service systems must be brought into compliance with the current codes.
 - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may secure the Buildings and maintain the Buildings secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Buildings secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with securing and maintaining the Buildings secure and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgagees or lienholders to restore the Buildings so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within thirty (30) days after notice of this Resolution. The findings shall become final after thirty (30) days of receipt of Notice; and

9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s).

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve the above resolution.

.....
ORDINANCE 15831

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 21, EX-PARTE COMMUNICATIONS, TO CHANGE THE RESTRICTIONS PLACED ON EX-PARTE COMMUNICATIONS.**

Mr. Bill Arballo, AFSCME, Local 59 representative, spoke in favor of the Ordinance.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos		
NAYS:	None	Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15832

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 23 AND 24 AND THE EAST 17 FEET OF LOT 25, BLOCK 93, EAST EL PASO ADDITION, EL PASO, EL PASO COUNTY, TEXAS (3230 MONTANA AVENUE) FROM R-5 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15833

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00065, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON TRACT 4 AND TRACT 5A, BLOCK 9, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the DCC (Development Coordinating Committee) and explained that the CPC (City Plan Commission) had recommended the Special Permit apply to lot depths for lots 1 through 13.

Representative Austin asked Mr. Valdez for a copy of "Exhibit B".

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Rojas and Cobos
NAYS: None Absent: None Abstained: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15834

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES) SECTION 12.88.180 (NO STOPPING OR STANDING- TOW - AWAY ZONE), SUBSECTION (A) OF THE EL PASO MUNICIPAL CODE, BY AMENDING A LOCATION ON MISSOURI AVENUE. THE PENALTY BEING AS PROVIDED IN SECTION 12.88.180 OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, provided explanation.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Austin, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

ORDINANCE 15835

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES) SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO TEMPORARILY REDUCE THE EXISTING SPEED LIMIT OF 60 M.P.H. TO 50 M.P.H. ON U. S. 54 BETWEEN HONDO PASS DRIVE AND YANDELL DRIVE FOR THE DURATION OF THE U. S. 54 CONSTRUCTION PROJECT. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to postpone one (1) week an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.030 (Schedule III-Parking Prohibited At All Times On Certain Streets) to add a new location on Heisig Avenue between Main Street and Prospect Street, North side only. The penalty being as provided in Section 12.84.010 of The El Paso Municipal Code.

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, explained that the residents had requested the restrictive parking.

Representative Cobos asked for one week postponement.

ORDINANCE 15836

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.060 (SCHEDULE VI-PARKING TIME LIMITED ON CERTAIN STREETS), PARAGRAPH A (PARKING TIME LIMIT TWO HOURS BETWEEN 8:00 A.M. AND 6:00 P.M., EXCEPT SUNDAYS AND LEGAL HOLIDAYS) OF THE EL PASO MUNICIPAL CODE, TO DELETE A LOCATION ON MISSOURI AVENUE, BOTH SIDES, FROM CAMPBELL STREET TO OCHOA STREET. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineer Division Manager – Engineering, provided explanation.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ADDITION TO THE AGENDA

1st Motion:

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to approve Change Order No. Two (Scope Change), for an increase in the amount of \$104,810.09 to J. D. Abrams, L. P., for the Clint Landfill Phase I, Cells 1 and 2 Project (Bid No. 2004-074), as follows:

- 1) Plug and abandon Monitoring Well No. 5 in accordance with 16 TAC 76.1004.
- 2) Drill an additional twenty (20) feet beyond the planned depth at Monitoring Well No. 2.
- 3) Install an overhead power supply from the El Paso Electric Co. transformer to the control panel at the leachate system at Cell No. 2 and from this point, install an underground power supply to the control panel at the leachate system at Cell No. 1.
- 4) Construct a Waste Screening Pad in accordance to the plans and specifications provided by the Consultant.

Additionally, it is requested that the Mayor be authorized to execute budget transfers for this project as necessary.

2nd Motion:

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to reconsider the approval of Change Order No. Two (Scope Change), for an increase in the amount of \$104,810.09 to J. D. Abrams, L. P., for the Clint Landfill Phase I, Cells 1 and 2 Project (Bid No. 2004-074), as follows:

- 1) Plug and abandon Monitoring Well No. 5 in accordance with 16 TAC 76.1004.
- 2) Drill an additional twenty (20) feet beyond the planned depth at Monitoring Well No. 2.
- 3) Install an overhead power supply from the El Paso Electric Co. transformer to the control panel at the leachate system at Cell No. 2 and from this point, install an underground power supply to the control panel at the leachate system at Cell No. 1.
- 4) Construct a Waste Screening Pad in accordance to the plans and specifications provided by the Consultant.

Additionally, it is requested that the Mayor be authorized to execute budget transfers for this project as necessary.

3rd Motion:

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve Change Order No. Two (Scope Change), for an increase in the amount of \$104,810.09 to J. D. Abrams, L. P., for the Clint Landfill Phase I, Cells 1 and 2 Project (Bid No. 2004-074), as follows:

- 1) Plug and abandon Monitoring Well No. 5 in accordance with 16 TAC 76.1004.
- 2) Drill an additional twenty (20) feet beyond the planned depth at Monitoring Well No. 2.
- 3) Install an overhead power supply from the El Paso Electric Co. transformer to the control panel

at the leachate system at Cell No. 2 and from this point, install an underground power supply to the control panel at the leachate system at Cell No. 1.

4) Construct a Waste Screening Pad in accordance to the plans and specifications provided by the Consultant.

Additionally, it is requested that the Mayor be authorized to execute budget transfers for this project as necessary.

Ms. Lisa Turner, citizen, asked what initiated the item.

Mayor Joe Wardy provided explanation.

.....
Motion made by Representative Cushing, seconded Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:41 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. Subrogation Claim Regarding Ernest Garcia (551.071)
- B. DISCUSSION AND ACTION on ASARCO Particulate Reduction Contract Enforcement (551.071)
- C. Discussion and Action on pending claim regarding Jorge Valadez and Cecilia Chavez (551.071)

Motion made by Representative Power, seconded Representative Cobos and unanimously carried to adjourn the Executive Session at 2:03 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried that the Office of the City Attorney be authorized to file a lawsuit against MELISSA ANN MITCHELL, to recover the City's workers' compensation subrogation interest regarding ERNEST GARCIA.

.....
Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried that the Office of the City Attorney be authorized to presently proceed with the initiation of suit and to undertake such other action as it deems necessary, through utilization of any and all other appropriate legal remedies, for the enforcement of the contractual obligations of ASARCO Incorporated and/or its successors in interest in connection with that certain agreement, dated March 14, 2000, by and between the City of El Paso and ASARCO Incorporated, styled "Agreement for Funding and Implementation of El Paso Particulate Matter Reduction Project", as recommended by the City Attorney's Office.

.....
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the claim entitled **Jorge Valadez and Cecilia Chavez** be **SETTLED** in the amount of \$2,400.00 as recommended by the City Attorney.


Ms. Cecilia Chavez, citizen, spoke on the matter.

.....

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn this meeting at 2:24 p.m.

.....

APPROVED AS TO CONTENT:

A handwritten signature in black ink, appearing to read 'R. Duffy Momsen', written over a horizontal line.

Richarda Duffy Momsen, City Clerk